# TABLE OF CONTENTS
# FO2336368

**AUDIO/VIDEO TRACKING SHEET**

**INVESTIGATIVE SUMMARY**

**TRANSCRIBED INTERVIEWS**

Suspect Rene Franco
Deputy Adrian De Casas
Deputy Michael Rivas
Detective Calvin Mah
Detective Antonio Guillen

**EXHIBITS**

**A.** Los Angeles County Sheriff's Department Incident Report, Supplemental Report, CHP-180, Suspect Booking Packet – URN #913-09514-2135-038

**B.** CD containing Video Surveillance – Imperial Courts Public Housing Projects

**C.** Suspect Franco's Consolidated Criminal History Report System (CCHRS) - CII #[redacted] and #[redacted]

**D.** DVD containing Suspect Franco's videotaped interview with Sergeant Rector and Lieutenant Burgin

**E.** CD and pictures depicting Suspect Franco's injury pictures

**F.** Suspect Franco's Medical Records and Clinical Progress Notes

**G.** South Gate Police Department Incident Report - #1305473

**H.** CD and pictures depicting Crown Motel – Day time

**I.** CD containing Dispatch and L-Tac audio

**J.** CD containing pictures of Crown Motel – Night time

**MISCELLANEOUS DOCUMENTS**

Video Admonishment Form

Administrative Rights Force/Shooting Investigation Form

Deputy Daily Work Sheet (DDWS) – 210W5 PM shift

Deputy Daily Work Sheet (DDWS) – 216H PM shift

Incident Details – Tag 286 (CEN13170-0286)

Unit Details – 210W5 PM Shift

Century Station PM In-service (June 19, 2013), and EM In-Service (June 20, 2013)

US Postal Office Certified Mail Receipt – January 7, 2013 [redacted]



*John L. Scott, Sheriff*

*County of Los Angeles*
**Sheriff's Department Headquarters**
*4700 Ramona Boulevard*
*Monterey Park, California 91754-2169*



May 28, 2014

Deputy, Mike Rivas #[redacted]

Dear Deputy Rivas:

On April 25, 2014, you were served with a Letter of Intention, indicating your right to respond to the Sheriff's Department's pending disciplinary action against you, as reported under IAB File Number 2353070. You were also advised of your right to review the material on which the discipline was based.

You are hereby notified that pursuant to an Education-Based Discipline (EBD) Agreement between you and this Department dated May 1, 2014, you are suspended without pay from your position of Deputy Sheriff, Item No. 2708A, with this Department for a period of one (1) day. However, pursuant to the EBD agreement, the one (1) day will be held in abeyance for a period of twelve (12) months which will end on April 30, 2015. All Department records will reflect, nevertheless, that you received a one (1) day suspension. In accordance with the EBD Agreement, you have agreed to participate in an education-based alternative to discipline. Should you fail to complete any of the terms and conditions of the EBD Agreement, the one (1) day held in abeyance will be imposed.

An investigation under File Number IAB 2353070, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of the Manual of Policy and Procedures, Section(s) 3-01/050.10, Performance to Standards; and/or 3-01/030.10, Obedience to Laws, Regulations, and Orders (specifically pertaining to 3-10/105.00, Tactical Incidents), on or about June 19, 2013, while on duty and assigned to a two man unit, you failed to conform to the standards established for your position as a patrol deputy, when you failed to employ sound tactical principles and engage a threat in the

safest manner during a tactical dilemma which evolved into a force incident, as evidenced by, but not limited to:

a. removing yourself from a tactical advantage by separating from your partner and leaving Deputy Adrian De Casas on foot where Deputy Adrian De Casas physically engaged [redacted] and/or driving past the suspects' vehicle before ensuring the vehicle was rendered safe; and/or,

b. failing to set up a containment and wait for adequate units and/or appropriate resources before searching for a potentially armed suspect.

Additional facts for this decision are set forth in the Disposition Worksheet, Investigative Summary and Investigative Packet which are incorporated herein by reference."

Prior to imposing this disciplinary action, I have thoroughly reviewed the incident and your record with this Department.

You will hereby take notice that any future acts of misconduct may result in more severe disciplinary action.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

JOHN L. SCOTT, SHERIFF

***Original Signed***

Ernest E. Chavez, Captain
Century Station

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures and Civil Service Rules {when applicable}.

EEC:AEA:ym

c: Advocacy Unit
Kevin A. Goran, Chief, Central Patrol Division
Internal Affairs Bureau
Personnel Administration
Office of Independent Review (OIR)
Century Station/Unit Personnel File

COUNTY OF LOS ANGELES
**SHERIFF'S DEPARTMENT**
*A Tradition of Service*

DATE: April 9, 2014
FILE NO:

OFFICE CORRESPONDENCE

**FROM:** STEPHEN B. JOHNSON, COMMANDER
CUSTODY SERVICES DIVISION
SPECIALIZED PROGRAMS

**TO:** ALICIA E. AULT, CAPTAIN
INTERNAL AFFAIRS BUREAU

**SUBJECT: EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS**

| | |
|---|---|
| Case Number: | FO2336368/IV2353070 |
| Incident: | Significant Force |
| Incident Date: | June 19, 2013 |
| Unit: | Century Station |
| Suspect: | Rene Martin Franco, MH/09-05-79 |
| Involved Employees: | Deputy Mike Rivas, #[redacted]<br>Deputy Adrian De Casas, #[redacted] |
| EFRC Date: | April 3, 2014 |

The Executive Force Review Committee (EFRC) consisting of Commanders Stephen Johnson, Patrick Maxwell, and Ralph Webb met and reviewed the above case.

**FORCE POLICY RELATING TO INCIDENT:**

Law enforcement officers are entitled to use the amount of force that is reasonable and necessary to make an arrest, prevent an escape, or overcome resistance.

**FINDINGS:**

Century deputies, working the Summer Violent Crime Enforcement Team in a two-man car, were driving eastbound 112th Place towards Watts Avenue when they observed a vehicle driving at a high rate of speed.

The driver deputy (Deputy Rivas) accelerated to catch up to the vehicle which made an unsafe westbound turn onto 113th Street without slowing for the stop sign. The vehicle was positioned more than half way down the block between Watts Avenue and Mona Boulevard as the deputies followed the vehicle.

The vehicle turned southbound Mona Boulevard to westbound 115th Street, and into the Imperial Courts Public Housing Projects. At that point, the deputies lost sight of the vehicle due to the distance between the vehicles. The deputies believed the suspect did not know they were behind him.

Upon arriving at the intersection of 115th Street and Croesus Avenue, the deputies saw the vehicle had been driven up onto the southwest curb of 115th Street and Croesus Avenue, where it had stopped on the west sidewalk; however, they did not observe the collision with the curb/sidewalk.

The deputies observed Suspect Franco running from the vehicle, southbound Croesus Avenue toward Imperial Highway. Mr. [redacted] (passenger) exited the vehicle from the front passenger door. The driver deputy stopped the patrol vehicle on Croesus Avenue just beyond (south) the vehicle. The passenger deputy (Deputy De Casas) exited the patrol vehicle and detained Mr. [redacted] who was standing next to the open passenger door of the vehicle.

The driver deputy drove the patrol vehicle southbound Croesus Avenue toward westbound Imperial Highway. While doing so, he maintained visual contact with the suspect who was running southbound Croesus Avenue toward Imperial Highway. The driver deputy requested the patch and began coordinating assisting units to the passenger deputy's location (Croesus Avenue north of Imperial Highway).

While the suspect was running southbound Croesus Avenue, the driver deputy saw the suspect jump over a four foot chain link fence located inside the open parking lot on the north/west corner of Croesus Avenue and Imperial Highway. The suspect fell to the ground and landed on his face and hands. The suspect got up and continued running westbound Imperial Highway, and into the "Crown Motel" (2111 East Imperial Highway, Los Angeles 90059). The driver deputy stopped his patrol vehicle, and took a containment position inside the open parking lot on the north/west corner of Croesus Avenue and Imperial Highway. The passenger deputy relayed via radio (on the patch) that a firearm was recovered. As assisting units arrived to his location, the passenger deputy handcuffed Mr. [redacted] without incident.

Assisting deputies arrived on scene with the driver deputy. The deputy stated once sufficient personnel arrived, he and assisting deputies, conducted a sweep of the Crown Motel to locate the suspect. During the sweep, the driver

deputy and one of the assisting deputies located the suspect hiding in the north/west side of the motel property which was being used as a dirt garden area.

The deputies ordered the suspect to show his hands and lie on the ground. The suspect complied with their orders and laid on the ground with his hands behind his head. As the driver deputy approached the suspect, he ordered him not to move.

While the assisting deputy maintained cover, the driver deputy approached the suspect in order to handcuff him. When the deputy placed his hands on the suspect's back, the suspect pulled both his hands from his head and positioned them under his torso toward his waistband. The deputy grabbed both of the suspect's elbows in an attempt to visually see his hands. The suspect refused to comply and kept his hands under his torso. The deputy hit the suspect three times on the right side of his ribs, with his right fist. The suspect complied and freed his arms from underneath his torso. The deputy handcuffed the suspect without further incident.

Deputies determined that the vehicle was reported stolen out of South Gate Police Department, and had been taken during the course of a carjacking. Inside the vehicle, deputies recovered methamphetamine, and a narcotics pipe. In addition, a firearm was recovered outside the vehicle near the hood, on the driver's side. In the field, the victim positively identified the suspect and the firearm as being involved in the carjacking. Mr. [redacted] was determined not to be involved in any criminal activity, and was released.

The suspect alleged the driver deputy fractured his wrists during the handcuffing process. The subsequent medical examination determined the suspect had one fractured finger and a fractured hand, after being handcuffed by the deputy.

The EFRC determined the force used against the suspect was within Department policy. The EFRC also determined the tactics used were not within Department policy.

The EFRC deemed as **Founded** the allegation that the tactics used by **Deputy Mike Rivas** were in violation of the Manual of Policy and Procedures, Section(s) 3-01/050.10, Performance to Standards; and/or 3-01/030.10, Obedience to Laws, Regulations, and Orders (specifically pertaining to 3-10/105.00, Tactical Incidents), on or about June 19, 2013, while on duty and assigned to a two man unit, Deputy Rivas failed to conform to the standards established for his position as a patrol deputy, when he failed to employ sound tactical principles and engage a threat in the safest manner during a tactical

dilemma which evolved into a force incident, as evidenced by, but not limited to the following:

a. removing himself from a tactical advantage by separating from his partner and leaving Deputy Adrian De Casas on foot where Deputy Adrian De Casas physically engaged [redacted] and/or driving past the suspects' vehicle before ensuring the vehicle was rendered safe; and/or,

b. failing to set up a containment and wait for adequate units and/or appropriate resources before searching for a potentially armed suspect.

**RECOMMENDATIONS:**

The EFRC recommended Deputy Mike Rivas, #[redacted], receive a **one (1) day suspension.**

In Addition, the EFRC recommended Field Operations Support Services (FOSS) release a newsletter explaining the importance on following up on the probable cause for the initial detention.

SBJ:JER:jer

## DISPOSITION WORKSHEET

Re: IAB IV 2353070
Subject: Rivas, Michael #[redacted]
Investigator: Sergeant Justin Diez
Advocate: Sergeant Tina Kelley

**SUMMARY:**
(Insert here)

## DISPOSITION OF CHARGES

The following potential charges were prepared by the Advocacy Unit. Please indicate your disposition of the potential charges, and put any additional sustained charges (with reference to the investigation) on attached sheet(s).

**Potential Charge(s):**

The evidence in this investigation supports the following charges:

1. That in violation of the Manual of Policy and Procedures, Section(s) 3-01/050.10, Performance to Standards; and/or 3-01/030.10, Obedience to Laws, Regulations, and Orders (specifically pertaining to 3-10/105.00, Tactical Incidents), on or about June 19, 2013, while on duty and assigned to a two man unit, Subject Rivas failed to conform to the standards established for his position as a patrol deputy, when he failed to employ sound tactical principles and engage a threat in the safest manner during a tactical dilemma which evolved into a force incident, as evidenced by, but not limited to the following:

    a. removing himself from a tactical advantage by separating from his partner and leaving Deputy Adrian De Casas on foot where Deputy Adrian De Casas physically engaged [redacted], and/or driving past the suspects' vehicle before ensuring the vehicle was rendered safe; and/or,

    b. failing to set up a containment and wait for adequate units and/or appropriate resources before searching for a potentially armed suspect.

**Evidence Reference:**

______________

**Defenses/Conflicting Evidence:**

______________

**Disposition:**

__X__ **Charge founded as delineated**
_____ **Charge founded as modified**
_____ **Charge unresolved**
_____ **Charge unfounded**

**Discipline Assessment**

**Review of Applicable Guidelines for discipline Section:**

The Department's Guidelines for Discipline (Revised December 14, 2009) lists the following Analogous misconduct with associated disciplinary penalties:

| Conduct | Standard Discipline |
|---|---|
| Performance to Standards | W/R to Discharge |
| Obedience to Laws, Regulations, and Orders | W/R to Discharge |

**Determination of Discipline:**

Based upon the attached assessment of mitigating and aggravating factors, the following discipline has been determined to be appropriate. This discipline is subject to revision upon receipt of the subject's response of grievance.

____**Discharge**
_____ **Reduction in Rank**
__X_ **Suspension with loss of pay and benefits for __1__ day**
____ **Written Reprimand**
_____ **No discipline**

**Assessment of Mitigating and Aggravating Factors:**

The following describe the mitigating and aggravating factors in the determining the discipline in

this investigation. Those factors include:

| | |
|---|---|
| Intent | Truthfulness |
| Past Performance | Severity of Infraction |
| Degree of Culpability | Acceptance of Responsibility |
| Disciplinary History | Other Factors |

Management has considered the subject's performance, which is documented in the Subject's Department personnel file, and those documents not contained in that file which are attached to the disposition worksheet.

# Los Angeles County Sheriff's Department

## Supervisor's Report on Use of Force



### Incident Information

| | | | |
|---|---|---|---|
| URN: 913 - 09514 - 2135 - 038 | | Date: 06/19/13 | Time: 2241 |
| Location: 2111 East Imperial Highway | | City or Station: Los Angeles | |
| Bureau/Station/Facility: Central Patrol Division / Century Station | | Admin. Investigation: (•) YES ( ) NO | |
| Type of Force: Personal Weapons / Resisted Handcuffing / Control Techniques | | | |
| Incident Category: ( ) 1 ( ) 2 (•) 3 | | Deputy Injury: ( ) YES (•) NO | Suspect Injury (•) YES ( ) NO |
| ☐ Call ☒ Observation ☐ Detail | | ☐ Foot Pursuit | ☐ Vehicle Pursuit |
| IAB Notified: (•) YES ( ) NO | Person Notified: Lt. Todd Webber | Emp: [redacted] | IAB Roll Out (•) YES ( ) NO |

### Involved Employee

**E 1**

| | | | | | |
|---|---|---|---|---|---|
| Employee # [redacted] | Last Name: Rivas | First Name: Mike | Middle I.: R. | Rank: DSG | |
| Sex: (•) M ( ) F | Race: H | Height: 602 | Weight: 195 | Age: [redacted] | Shift: ( ) EM ( ) Day (•) PM — (•) Regular Shift ( ) OT Shift ( ) Off Duty |
| Unit of Assignment: Central Patrol Division/Century Station | | | Work Assignment (Unit #, Module, etc.): 210W5 | | |
| Individual Force Used: Personal Weapons/Resisted Handcuff/Control Techniques | | | ( ) Directed ( ) Rescue ( ) Medical Assist | Individual Category ( ) 1 ( ) 2 (•) 3 | |
| ☐ Injured ☐ Treated ☐ Admitted | Facility: | | | Coroner Case # | |

**E__**

| | | | | | |
|---|---|---|---|---|---|
| Employee # | Last Name | First Name | Middle I. | Rank | |
| Sex: ( ) M ( ) F | Race: | Height: | Weight: | Age: | Shift: ( ) EM ( ) Day ( ) PM — ( ) Regular Shift ( ) OT Shift ( ) Off Duty |
| Unit of Assignment: | | | Work Assignment (Unit #, Module, etc.): | | |
| Individual Force Used: | | | ( ) Directed ( ) Rescue ( ) Medical Assist | Individual Category ( ) 1 ( ) 2 ( ) 3 | |
| ☐ Injured ☐ Treated ☐ Admitted | Facility: | | | Coroner Case # | |

**E__**

| | | | | | |
|---|---|---|---|---|---|
| Employee # | Last Name | First Name | Middle I. | Rank | |
| Sex: ( ) M ( ) F | Race: | Height: | Weight: | Age: | Shift: ( ) EM ( ) Day ( ) PM — ( ) Regular Shift ( ) OT Shift ( ) Off Duty |
| Unit of Assignment: | | | Work Assignment (Unit #, Module, etc.): | | |
| Individual Force Used: | | | ( ) Directed ( ) Rescue ( ) Medical Assist | Individual Category ( ) 1 ( ) 2 ( ) 3 | |
| ☐ Injured ☐ Treated ☐ Admitted | Facility: | | | Coroner Case # | |

☐ Additional Involved Employees

### On Duty Supervisor

| Emp. # | Last Name | First Name | Middle I. | Rank | Present | Witness to Incident |
|---|---|---|---|---|---|---|
| [redacted] | Rector | Rick | O. | SGT | YES ( ) NO (•) | YES ( ) NO (•) |

### Supervisor Completing Investigation

| Emp. # | Last Name | First Name | Middle I. | Rank | Present | Witness to Incident |
|---|---|---|---|---|---|---|
| [redacted] | Diez | Justin | R. | SGT | YES ( ) NO (•) | YES ( ) NO (•) |

### Watch Commander / Supervising Lieutenant

| Emp. # | Last Name | First Name | Middle I. | Rank |
|---|---|---|---|---|
| [redacted] | Nathan | Daniel | A. | Lt. |

Watch Commander / Supervising Lieutenant's **Signature:** ____ Date ____ Copy Provided to Employee by: ____ Emp #: ____

Ernest E. Chavez, Captain

Unit Commander **(Print Name)** ____ Unit Commander's **Signature**: ____ Emp #: ____ Date ____

DISCOVERY Use Only
FO# 2336 3168

☐ PPI REVIEW COMPLETED

Original: Discovery Unit
Copy: Unit Commander

SH-R-438P (Rev. 01/13)

# Supervisor's Report on Use of Force
## SUSPECT INFORMATION

913 - 09514 - 2135 - 038



### Suspect Information

**S 1**

Last Name: Franco | First Name: Rene | Middle Name: Martin | Armed? Select: Firearm (Handgun)

AKA Last Name: | First Name: | Middle Name:

| Sex: | Race: | Age: | Height: | Weight | D.O.B: | Phone #1: (●) H ( ) W ( ) C | Phone #2: ( ) H ( ) W ( ) C |
|---|---|---|---|---|---|---|---|
| (●) Male ( ) Female | H | 33 | 511 | 210 | 09-05-79 | [redacted] | |

Street Address: [redacted] | City: [redacted] | State & Zip Code: [redacted]

Booking #: 3598555 | Primary Charge Code: 215 PC | Secondary Charge Code: 11370.1(a) HS | [redacted] Criminal History

Treated on Scene? (●) YES ( ) NO | Name: Los Angeles City Fire | Unit: Rescue 33 | Phone #: (213) 485-6233

Hospital Admission? ☐ | Rec'd Treatment At: Long Beach Memorial | Coroner Case #: | Mental History ☐ User's guide provides direction on this entry

By: Doctor Tuan Nguyen | Address: 2801 Atlantic Avenue, Long Beach 90806 | Phone #: (562) 933-1400

Under Influence: (●) YES ( ) NO | Substance: CNS Stimulant | 5150 a factor in force? ( ) YES (●) NO User's guide provides direction on this entry

**Suspect Interview**

Date: 06-20-13 | Time: 0334 | ☐ Audiotape: | ☒ Videotape: | ☒ Photos of Injuries: | ☐ ADMITS HEARING ANNOUNCEMENTS

### Suspect Information

**S __**

Last Name: | First Name: | Middle Name: | Armed? Select:

AKA Last Name: | First Name: | Middle Name:

| Sex: | Race: | Age: | Height: | D.O.B. | Weight: | Phone #1: ( ) H ( ) W ( ) C | Phone #2: ( ) H ( ) W ( ) C |
|---|---|---|---|---|---|---|---|
| ( ) Male ( ) Female | | | | | | | |

Street Address: | City: | State & Zip Code:

Booking #: | Primary Charge Code: | Secondary Charge Code: | ☐ Criminal History

Treated on Scene? ( ) YES ( ) NO | By: | Unit: | Phone #:

Hospital Admission? ☐ | Rec'd Treatment At: | Coroner Case #: | Mental History ☐ User's guide provides direction on this entry

By: | Address: | Phone #:

Under Influence: ( ) YES ( ) NO | Substance: | 5150 a factor in force? ( ) YES ( ) NO User's guide provides direction on this entry

**Suspect Interview**

Date: | Time: | ☐ Audiotape: | ☐ Videotape: | ☐ Photos of Injuries: | ☐ ADMITS HEARING ANNOUNCEMENTS

### Suspect Information

**S __**

Last Name: | First Name: | Middle Name: | Armed? Select:

AKA Last Name: | First Name: | Middle Name:

| Sex: | Race: | Age: | Height: | D.O.B. | Weight: | Phone #1: ( ) H ( ) W ( ) C | Phone #2: ( ) H ( ) W ( ) C |
|---|---|---|---|---|---|---|---|
| ( ) Male ( ) Female | | | | | | | |

Street Address: | City: | State & Zip Code:

Booking #: | Primary Charge Code: | Secondary Charge Code: | ☐ Criminal History

Treated on Scene? ( ) YES ( ) NO | By: | Unit: | Phone #:

Hospital Admission? ☐ | Rec'd Treatment At: | Coroner Case #: | Mental History ☐ User's guide provides direction on this entry

By: | Address: | Phone #:

Under Influence: ( ) YES ( ) NO | Substance: | 5150 a factor in force? ( ) YES ( ) NO User's guide provides direction on this entry

**Suspect Interview**

Date: | Time: | ☐ Audiotape: | ☐ Videotape: | ☐ Photos of Injuries: | ☐ ADMITS HEARING ANNOUNCEMENTS

☐ **Additional Suspects Involved**

# Supervisor's Report on Use of Force
## EMPLOYEE / NON-EMPLOYEE INFORMATION

913 - 09514 - 2135 - 038



**Employee Witnesses**

| Emp. # | Last Name | First Name | Middle Name |
|---|---|---|---|
| [redacted] | Mah | Calvin | |

| Unit of Assignment: | Work Assignment (Unit #, Module, etc.): | Shift: | |
|---|---|---|---|
| OSS Bureau | OSSG10 | ○ EM ○ Day ◉ PM | ◉ Regular ○ OT ○ Off Duty |

| Emp. # | Last Name | First Name | Middle Name |
|---|---|---|---|
| | | | |

| Unit of Assignment: | Work Assignment (Unit #, Module, etc.): | Shift: | |
|---|---|---|---|
| | | ○ EM ○ Day ○ PM | ○ Regular ○ OT ○ Off Duty |

| Emp. # | Last Name | First Name | Middle Name |
|---|---|---|---|
| | | | |

| Unit of Assignment: | Work Assignment (Unit #, Module, etc.): | Shift: | |
|---|---|---|---|
| | | ○ EM ○ Day PM | ○ Regular ○ OT ○ Off Duty |

**Non-Employee Witnesses**

| Last Name | First Name | Middle Name | Age | D.O.B. |
|---|---|---|---|---|
| [redacted] | [redacted] | [redacted] | 29 | [redacted] |

| Street Address | City | Zip Code | Phone #1 | Phone #2 |
|---|---|---|---|---|
| [redacted] | [redacted] | [redacted] | [redacted] | |

| Last Name | First Name | Middle Name | Age | D.O.B. |
|---|---|---|---|---|
| | | | | |

| Street Address | City | Zip Code | Phone #1 | Phone #2 |
|---|---|---|---|---|
| | | | | |

| Last Name | First Name | Middle Name | Age | D.O.B. |
|---|---|---|---|---|
| | | | | |

| Street Address | City | Zip Code | Phone #1 | Phone #2 |
|---|---|---|---|---|
| | | | | |

| Last Name | First Name | Middle Name | Age | D.O.B. |
|---|---|---|---|---|
| | | | | |

| Street Address | City | Zip Code | Phone #1 | Phone #2 |
|---|---|---|---|---|
| | | | | |

| Last Name | First Name | Middle Name | Age | D.O.B. |
|---|---|---|---|---|
| | | | | |

| Street Address | City | Zip Code | Phone #1 | Phone #2 |
|---|---|---|---|---|
| | | | | |

| Last Name | First Name | Middle Name | Age | D.O.B. |
|---|---|---|---|---|
| | | | | |

| Street Address | City | Zip Code | Phone #1 | Phone #2 |
|---|---|---|---|---|
| | | | | |

| Last Name | First Name | Middle Name | Age | D.O.B. |
|---|---|---|---|---|
| | | | | |

| Street Address | City | Zip Code | Phone #1 | Phone #2 |
|---|---|---|---|---|
| | | | | |

| Last Name | First Name | Middle Name | Age | D.O.B. |
|---|---|---|---|---|
| | | | | |

| Street Address | City | Zip Code | Phone #1 | Phone #2 |
|---|---|---|---|---|
| | | | | |

| Last Name | First Name | Middle Name | Age | D.O.B. |
|---|---|---|---|---|
| | | | | |

| Street Address | City | Zip Code | Phone #1 | Phone #2 |
|---|---|---|---|---|
| | | | | |

☐ **Additional Witness**

# Supervisor's Report on Use of Force



***Method***

(AW) Arwen
(BC) Baton: (Control)
(BI) Baton: (Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds: (Control Techniques)
(TT) Control Holds: (Team Takedown)
(TD) Control Holds: (Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(RO) Restraint Device (Other)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device: Hobble (Legs Only)
(TP) Restraint Device: Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(IR) Less Lethal Impact Round (other)
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative
(HR) High Risk

***Type of Injury***

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

***Body Part Involved***

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hands
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(NO) Nose
(SH) Shoulder
(WR) Wrist

| FORCE USED BY | | FORCE USED AGAINST | | Method (Code) | Type of Injury (Code) | Body Part (Code) |
|---|---|---|---|---|---|---|
| Name | E# or S# | Name | E# or S# | | | |
| Suspect Franco | S#1 | Deputy Rivas | E#1 | RS | | |
| Deputy Rivas | E#1 | Suspect Franco | S#1 | CT | | |
| Suspect Franco | S#1 | Deputy Rivas | E#1 | RS | | |
| Deputy Rivas | E#1 | Suspect Franco | S#1 | PH | CP | AD |
| Deputy Rivas | E#1 | Suspect Franco | S#1 | RH | FR | FI |
| | | | | | | |
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**COUNTY OF LOS ANGELES**
**SHERIFF'S DEPARTMENT**

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| **UNIT:** | Century Station |
| **DATE:** | June 19, 2013, Wednesday |
| **TIME:** | 2129 hours |
| **LOCATION:** | 2111 E. Imperial Highway, Los Angeles CA 90044 |
| **URN#:** | 913-09514-2135-038 |
| **IAB#:** | FO2336368 |

**NATURE OF INCIDENT:**

On-call Internal Affairs Bureau personnel assumed the handle on a force investigation wherein Suspect Franco alleged Deputy Rivas fractured his wrists during the handcuffing process. The subsequent medical examination determined Suspect Franco had one fractured finger and a fractured hand, after being handcuffed by Deputy Rivas.

On June 19, 2013, at approximately 2129 hours Deputies Rivas and De Casas were working 210W5 PM shift (Summer Violent Crime Enforcement Team). Deputy Rivas was driving and Deputy De Casas was the passenger of the patrol vehicle. While driving eastbound 112th Place towards Watts Avenue, they observed a vehicle (2007 Chrysler 300, CA License #[redacted]) driving at a high rate of speed.

Deputy Rivas accelerated to catch up to the vehicle which made an unsafe westbound turn onto 113th Street without slowing for the stop sign. The vehicle was positioned more than half way down the block between Watts Avenue and Mona Boulevard as Deputy Rivas followed the vehicle.

The vehicle turned southbound Mona Boulevard to westbound 115th Street, and into the Imperial Courts Public Housing Projects. At that point, Deputies Rivas and De Casas lost sight of the vehicle due to the distance between the vehicles. Deputies Rivas and De Casas believed that Suspect Rivas did not know they were behind him.

Upon arriving at the intersection of 115th Street and Croesus Avenue, Deputies Rivas and De Casas saw the vehicle had been driven up onto the southwest curb of 115th Street and Croesus Avenue, where it had stopped on the west sidewalk. However, they did not observe the collision with the curb/sidewalk.

They observed Suspect Franco running from the vehicle, southbound Croesus Avenue toward Imperial Highway. [redacted] (MH/[redacted]) exited the vehicle from the front passenger door. Deputy Rivas stopped the patrol vehicle on Croesus Avenue just beyond (south) of the vehicle. Deputy De Casas exited the patrol vehicle and detained [redacted] who was standing next to the open passenger door of the vehicle.

**IAB Note:** The location where Deputy De Casas detained [redacted] (Croesus Avenue) was within the entry/exit of the Imperial Courts Public Housing Projects (11541 Croesus Avenue, Los Angeles 90059).

Deputy Rivas drove the patrol vehicle southbound Croesus Avenue toward westbound Imperial Highway. While doing so, he maintained visual contact with Suspect Franco who was running southbound Croesus Avenue toward Imperial Highway. Deputy Rivas requested the patch and began coordinating assisting units to Deputy De Casas' location (Croesus Avenue north of Imperial Highway).

While running southbound Croesus Avenue, Deputy Rivas saw Suspect Franco jump over a four foot chain link fence located inside the open parking lot on the north/west corner of Croesus Avenue and Imperial Highway. Suspect Franco fell to the ground and landed on his face and hands. Suspect Franco got up and continued running westbound Imperial Highway, and into the "Crown Motel" (2111 East Imperial Highway, Los Angeles 90059). Deputy Rivas stopped his patrol vehicle, and took a containment position inside the open parking lot on the north/west corner of Croesus Avenue and Imperial Highway. Deputy De Casas relayed via radio (on the patch) that a firearm was recovered. As assisting units arrived to his location, Deputy De Casas handcuffed [redacted] without incident.

**IAB Note:** The Crown Motel is approximately ¼ to ½ of a mile away from Century Sheriff's Station.

Assisting unit 210G (Detective Mah #[redacted] and Detective Guillen #[redacted] arrived on scene with Deputy Rivas. Deputy Rivas stated once sufficient personnel arrived, he, Detective Mah, and Detective Guillen conducted a sweep of the Crown Motel to locate Suspect Franco. During the sweep, Deputy Rivas and Detective Mah located Suspect Franco hiding in the north/west side of the motel property which was being used as a dirt garden area.

Deputy Rivas and Detective Mah ordered Suspect Franco to show his hands and lie on the ground. Suspect Franco complied with their orders and laid on the ground with his hands behind his head. As Deputy Rivas approached Suspect Franco, he ordered him not to move.

Detective Mah maintained cover, while Deputy Rivas approached Suspect Franco in order to handcuff him. When Deputy Rivas placed his hands on Suspect Franco's back, he (Suspect Franco) pulled both his hands from his head and positioned them under his torso toward his waistband. Deputy Rivas grabbed both of Suspect Franco's elbows in an attempt to visually see his hands. Suspect Franco refused to comply and kept his hands under his torso. Deputy Rivas hit Suspect Franco three times on the right side of

his ribs, with his right fist. Suspect Franco complied and freed his arms from underneath his torso. Deputy Rivas handcuffed Suspect Franco without further incident.

Deputies determined that the vehicle was reported stolen out of South Gate Police Department, and had been taken during the course of a carjacking. Inside the vehicle, deputies recovered methamphetamine, and a narcotics pipe. In addition, a firearm was recovered outside the vehicle near the hood, on the driver's side. In the field, the victim positively identified Suspect Franco and the firearm as being involved in the carjacking. [redacted] was determined not to be involved in any criminal activity, and was released.

Deputy Rivas wrote an incident report, and Detective Mah wrote a supplemental report. The incident report, supplemental report, CHP 180, and Suspect Franco's booking packet are included with this case (refer to **Exhibit A**). Detective Guillen and Deputy De Casas did not witness the use of force, and did not complete supplemental reports.

Los Angeles Police Department South East Division, Officer [redacted] #[redacted] obtained the video surveillance of the incident. The video surveillance depicts four different views and was recorded from cameras located within the Imperial Courts Public Housing Projects. The video did not capture the use of force. The surveillance video is included with this case (refer to **Exhibit B**).

**INVOLVED PERSONNEL:**

**Michael Rivas** - Deputy, #[redacted]
Century Station
Unit #210W5
Central Patrol Division

| | |
|---|---|
| Date of Employment: | 10-28-05 |
| Date Assigned to CEN: | 06-13-10 |
| Prior Shooting Incident(s): | [redacted] |
| Prior Founded Force Incidents: | |

**INVOLVED SUBJECTS:**

**Rene Franco** MH/33, Booking #3598555
DOB: 09-05-79
[redacted]
Booking Charges: (2) counts of 215 PC, (2) counts of 29800 PC, 11370.1 HS, 211 PC 529(a)(3) PC. DA Case #VA130706

**Criminal History:** CII #[redacted] and CII #[redacted]

Suspect Franco's criminal history consists of; [redacted] His two Consolidated Criminal History Report System (CCHRS) printouts are included with this case (refer to **Exhibit C**).

## WITNESSES:

I attempted to contact [redacted] several times in order to interview him regarding the incident. I spoke to him via telephone ([redacted] on December 6, 2013 and December 9, 2013. Mr. [redacted] was reluctant to speak about the incident and asked me to call him back at another time. In addition, I left him a phone message on January 2, 2014. Mr. [redacted] did not return my phone call. Lastly, on January 7, 2014, I sent Mr. [redacted] a Witness Contact Letter, via certified US Mail (refer to **Miscellaneous Documents**). Mr. [redacted] did not contact me regarding an interview.

> **IAB Note:** [redacted] was not in a position to see the use of force inside the Crown Motel.

## DEPUTY WITNESSES:

**Detective Calvin Mah #**[redacted]

On January 9, 2014, Sergeant Carrizosa and I interviewed Detective Mah at Internal Affairs Bureau. The interview was digitally recorded and transcribed. The following is a summary of his interview.

Detective Mah stated he responded to the Crown Motel because Deputy Rivas broadcasted via the radio regarding someone that ran from them. Detective Mah and Detective Guillen met Deputy Rivas in front of the motel and proceeded to conduct a sweep of the motel in an attempt to locate Suspect Franco.

Suspect Franco was located in the rear of the motel, on the north side of the property. He was crouched down on the ground. Suspect Franco complied with Deputy Rivas' orders to show his hands. As such, they approached Suspect Franco to take him into custody.

Deputy Rivas holstered his duty weapon and attempted to take Suspect Franco into custody. While doing so, Detective Mah had his duty weapon drawn and was covering Deputy Rivas and the surrounding area. The area just east of their location had not yet been cleared. Additionally, deputies were within two feet from the housing projects which had also not yet been cleared, and Detective Mah did not know whether or not Suspect Franco had a weapon.

Detective Mah observed Deputy Rivas hit Suspect Franco two to three times in the right upper torso area. I asked Detective Mah if he ever witnessed Deputy Rivas hit Suspect Franco after he was handcuffed. Deputy Mah replied, "No." He never observed anyone hit Suspect Franco after he was handcuffed. I asked Detective Mah if anything seemed out of the ordinary, inappropriate, or excessive when Deputy Rivas handcuffed Suspect Franco. Detective Mah replied, "Absolutely not." He did not observe any force that would be likely to injure Suspect Franco's fingers or wrist.

I presented Detective Mah with a ground level picture depicting garden area on the north side of motel property, between the north perimeter block wall and the north building (refer to **Picture** "**A**"). Detective Mah placed a green "X" on the picture, in the approximate location where Suspect Franco was found hiding, and the use of force occurred. The location was approximately two feet south of the north perimeter block wall. He then placed a red "X" on the picture, in the approximate location where he was standing while covering Deputy Rivas and Suspect Franco. The location was approximately five to six feet west of Deputy Rivas and Suspect Franco's location (refer to **Picture** "**A**", attached with Deputy Mah's transcribed interview).

When asked about the lighting conditions inside the motel at the time of the incident, Deputy Mah stated there was some lighting from the projects (referring to Imperial Courts Housing Projects). However, it was pretty dark and they had to use their flashlights to illuminate Suspect Franco.

For Detective Mah's verbatim interview see his transcribed interview which is included with the case. Deputy Mah wrote a supplemental report detailing his actions and observations during this incident.

**Detective Antonio Guillen #[redacted]**

On January 9, 2014, Sergeant Carrizosa and I interviewed Detective Guillen at Internal Affairs Bureau. The interview was digitally recorded and transcribed. The following is a summary of his interview.

Detective Guillen stated he responded to the Crown Motel because of an assistance request from Deputy Rivas and Deputy De Casas regarding a person that ran from them. They met Deputy Rivas in front of the motel and proceeded to conduct a sweep toward the rear of the motel in an attempt to locate Suspect Franco.

He heard someone, either Detective Mah or Deputy Rivas, give the command, "Let me see your hands." The command was coming from the northern area of the motel near the brick wall (referring to the north perimeter wall of the motel property). As Detective Guillen moved closer toward Detective Mah and Deputy Rivas he observed a male (referring to Suspect Franco). Detective Mah and Deputy Rivas ordered the male to get down. Detective Guillen observed the male down on the ground, at which time Detective Mah and Deputy Rivas engaged Suspect Franco. Simultaneously, Detective Guillen looked over the perimeter block wall to the north of the motel, and looked to the west. It

was dark and he wanted to ensure no one else was hiding or "lying in wait." Seconds later Suspect Franco was taken into custody and walked out to the front of the motel. Detective Guillen stated he did not witness the use of force.

I presented Detective Guillen with a ground level picture depicting garden area on the north side of motel property, between the north perimeter block wall and the north building (refer to **Picture "A"**). Additionally, I presented him with a ground level picture depicting the garden area on west side of the motel property, between the west perimeter chain link fence and the west building (refer to **Picture "B"**). Detective Guillen placed a red "X" on the pictures, to identify his approximate location when the use of force occurred. In Picture "A", Detective Guillen's location was approximately five feet south of the north perimeter block wall of the motel property. In Picture "B", Detective Guillen's location was approximately three feet east of the west perimeter chain link fence of the motel property. Both pictures ("A" and "B") depict Detective Guillen's approximate location during the use of force was in the north/west corner of the motel property (refer to **Pictures** "**A**" and "**B**", attached with Deputy Guillen's transcribed interview).

For Detective Guillen's verbatim interview, see his transcribed interview which is included with the case. Detective Guillen did not write a supplemental report.

**Deputy Adrian De Casas #[redacted]**

On January 13, 2014, Sergeant Carrizosa and I interviewed Deputy De Casas at Internal Affairs Bureau. The interview was digitally recorded and transcribed. The following is a summary of his interview.

Deputy De Casas stated he and his partner arrived at the vehicle that had stopped on the curb line of Croesus Avenue/115th Street. Upon doing so, he observed a firearm lying on the ground on the driver's side of the vehicle near the hood. He also observed the driver (referring to Suspect Franco) running from the vehicle. They stopped their patrol vehicle and Deputy De Casas looked at the suspect vehicle to clear it. Upon doing so, he observed the passenger (referring to [redacted] exit the front passenger side door.

Deputy De Casas ordered Mr.[redacted]to place his hands up and lie down, to which he complied. Deputy De Casas then handcuffed Mr.[redacted] Mr.[redacted]was cooperative and did not verbally or physically resist in any way.

I asked Deputy De Casas if he and Deputy Rivas had discussed the tactics they employed prior to the incident. Deputy De Casas stated they had been partners for six months, and had previously discussed the tactic. As such, he would hold the person staying behind at gun point, and the driver (referring to Deputy Rivas) would go around and take a containment spot. Furthermore, due to Mr.[redacted]cooperation, Deputy De Casas felt comfortable and safe detaining by himself. Deputy De Casas stated he relayed to his partner over the radio, that he recovered a gun at the vehicle.

Deputy De Casas stated he was detaining Mr. [redacted] on Croesus Avenue, approximately 30 or 40 yards north of Imperial Highway. Thus, he did not witness the use of force at the Crown Motel.

Deputy De Casas knew there was surveillance video of the incident. However, neither he nor Deputy Rivas reviewed the surveillance video prior to the incident report being authored. I presented Deputy De Casas with the surveillance video from the Imperial Courts Public Housing Projects. Deputy De Casus reviewed the surveillance video which included four separate camera angels.

Deputy De Casas stated they were never in pursuit of the suspect vehicle due to the great distance between the cars. He noted the route driven by Suspect Franco, and detailed how far ahead Suspect Franco was ahead of them. They never felt the driver of the vehicle knew they were behind him. Sergeant Carrizosa asked Deputy De Casas why the lights of the patrol vehicle were activated while traveling southbound Mona Boulevard to westbound 115th Street. Deputy De Casas replied, "It was a tactic used to the let the vehicle know we were coming in its direction."

**IAB Note:** The vehicle Deputy De Casas made reference to, was the black truck seen on surveillance video #IC15. The suspect vehicle and the patrol vehicle both drove past the black truck while it was traveling southbound Mona Boulevard toward 115th Street.

Deputy De Casas stated he did not know if Suspect Franco knew they were behind him when he crashed the car. He did not observe the traffic collision into the curb. Deputy De Casas did not run the license plate of Suspect Franco's vehicle due to the great distance between their patrol vehicle and the suspect vehicle. Furthermore, he did not know how many occupants were inside the suspect vehicle until the patrol vehicle stopped and he looked back to clear the vehicle. At which time, Deputy De Casas observed the passenger exit and visually cleared the vehicle.

For Deputy De Casas' verbatim interview, see his transcribed interview which is included with the case. Deputy De Casas did not write a supplemental report.

**INVOLVED EMPLOYEE STATEMENTS:**

**Deputy Michael Rivas #[redacted]**

On January 13, 2014, Sergeant Carrizosa and I interviewed Deputy Rivas at Internal Affairs Bureau. The interview was digitally recorded and transcribed. The following is a summary of her interview.

Deputy Rivas stated he observed the vehicle stopped on the west curb line of Croesus Avenue. He did not observe Suspect Franco exit the vehicle. However, Deputy Rivas did observe Suspect Franco running from the driver's side of the vehicle, southbound on

Croesus Avenue. Deputy Rivas stopped the patrol vehicle at which time Deputy De Casas exited and detained the passenger. Deputy Rivas continued driving the patrol vehicle southbound Croesus Avenue, while following Suspect Franco in order to maintain a visual on him. Deputy Rivas stated he and Deputy De Casas had been partners on the Summer Enforcement Team for six months and had discussed this tactic prior to the incident.

Deputy Rivas stated the north/west corner of Croesus Avenue and Imperial Highway is an open parking lot with a three to four foot fence. He exited his vehicle, took a containment position, and was able to keep an eye on Deputy Rivas while still keeping an eye on Suspect Franco who was running into the motel. Because of the close proximity to Century Sheriff's Station, assisting units quickly arrived to contain the area.

Detective Mah and Detective Guillen arrived at his location. At that point, the containment was in the process of being set up and would be done so very quickly because of the close proximity to the station. As such, Deputy Rivas felt there were enough personnel on scene and they swept the motel in an attempt to locate Suspect Franco. He found Suspect Franco hiding in the north/west corner of the motel property. Both he and Detective Mah gave Suspect Franco orders to show his hands and lay down on his stomach. Suspect Franco complied with the orders. Due to Suspect Franco's compliance, Deputy Rivas approached and placed his hands on Suspect Franco's back. Simultaneously, Suspect Franco repositioned his arms underneath his body towards his waistband. By that time, Deputy De Casas had informed Deputy Rivas via radio that a firearm had been recovered at the car. Thus, Deputy Rivas did not know if Suspect Franco was still armed.

Deputy Rivas grasped Suspect Franco's elbows and attempted to pull his hands from under his waistband. However, he was unsuccessful, and hit Suspect Franco three times in his right ribs. Upon doing so, Suspect Franco gave up his arms. Deputy Rivas pulled Suspect Franco's arms out and handcuffed him.

Deputy Rivas never punched any other part of Suspect Franco's body. Furthermore, he did not punch Suspect Franco after he was handcuffed. I asked Deputy Rivas if he did anything that may have injured Suspect Franco's fingers or wrist, such as pulling on his fingers. Deputy Rivas replied, "No." Deputy Rivas stated Suspect Franco complained of pain to his wrist and he was wearing a black wrist brace.

I told Deputy Rivas that Suspect Franco had two fractured fingers, and asked him if he (Deputy Rivas) knew how that happened. Deputy Rivas did not know how the injuries occurred. However, he noted that Suspect Franco was involved in a car accident. In addition, Deputy Rivas stated when Suspect Franco ran away, he jumped over the four foot fence (referring to the fence in the open parking lot on the north/west corner of Croesus Avenue and Imperial Highway). When doing so, Suspect Franco broke his fall by landing on his hands and face. I again asked Deputy Rivas if he grabbed Suspect Franco's fingers while handcuffing him, either inadvertently or as a means to gain control. Deputy Rivas reiterated that he did not remember grabbing Suspect Franco's fingers.

I presented Deputy Rivas with a ground level picture depicting garden area on the north side of motel property, between the north perimeter block wall and the north wall of the building (refer to **Picture** "**A**"). Deputy Rivas placed a red "X" on the picture, in the approximate location where Suspect Franco was found hiding, and the use of force occurred. The location was approximately four to five feet south of the north perimeter block wall (refer to **Picture** "**A**", attached with Deputy Rivas' transcribed interview).

When asked about the lighting conditions inside the motel at the time of the incident, Deputy Rivas stated it was dark and they had to use their flashlights to find Suspect Franco. He did not remember any lights in the north/west corner of the motel.

Deputy Rivas stated he knew there was surveillance video of the incident due to previous incidents which had occurred inside the housing projects. As such, he requested to get a copy of the surveillance video from South East Station (referring to the Los Angeles Police Department South East Division), in his report. However, he did not review the surveillance video prior to writing the incident report. I presented Deputy Rivas with the surveillance video from the Imperial Courts Public Housing Projects. Deputy Rivas reviewed the surveillance video which included four separate camera angels.

Deputy Rivas stated he was never in pursuit of Suspect Franco's vehicle. He noted the route driven by Suspect Franco, and detailed how far ahead Suspect Franco was ahead of them. Furthermore, he noted how they lost visual of Suspect Franco's vehicle on two occasions because of the distance. Deputy Rivas believed that Suspect Franco never knew that they were behind him. He stated Suspect Franco was already driving fast, and it just looked like he was driving recklessly through the neighborhood.

I asked Deputy Rivas why the rotating lights on his patrol vehicle were activated on the surveillance video. Deputy Rivas stated he activated the lights on the patrol vehicle. When the suspect vehicle made a westbound turn on 115$^{th}$ Street from Mona Boulevard, he had to drive around a car that was at the stop sign. When they approached the car, Deputy Rivas turned on the lights to let the driver know they were going to go around and in front of him. Upon passing the vehicle, it moved over to the right. Deputy Rivas made a right turn to westbound 115$^{th}$ Street and immediately turned off the lights on the patrol vehicle.

**IAB Note:** The car at the stop sign that Deputy Rivas made reference to, was the black truck seen on surveillance video #IC15. The suspect vehicle and the patrol vehicle both drove past the black truck while it was traveling southbound Mona Boulevard toward 115$^{th}$ Street.

Deputy Rivas stated he did not think Suspect Franco knew they were behind him when he crashed the car. He did not observe Suspect Franco's vehicle collide into the curb, and did not know of the collision until he arrived at the location (115$^{th}$ Street / Croesus Avenue). Deputy Rivas did not run the license plate prior to the collision due to the fact they were so far away and could not see the plate.

For Deputy Rivas' verbatim interview, see his transcribed interview which is included with this case. Deputy Rivas wrote an incident report documenting the use of force.

**SUSPECT STATEMENTS:**

**Rene Franco, Bkg #3598555**

Suspect Franco was interviewed in the field, by Century Station Sergeant Rector. He was again interviewed at Long Beach Memorial Medical Center by Century Station Watch Commander, Lieutenant Burgin. The interviews were videotaped and copies of the interviews are included with this case (refer to **Exhibit D**).

In addition, Suspect Franco was interviewed by Internal Affairs Bureau Lieutenant Weber and Sergeant Flores at Century Regional Detention Facility. Furthermore, Internal Affairs Bureau Sergeant Carrizosa and I, interviewed Suspect Franco at Men's Central Jail. The interviews were digitally recorded. The following is a summary of the interviews.

Suspect Franco was interviewed in the field by Century Station Sergeant Rector on June 19, 2013. The interview took place inside the back seat of a patrol vehicle. Sergeant Rector asked Suspect Franco if he was injured. He replied, "You guys proceeded to do your job, and I guess you forcibly did too much and my wrist is broken up again." Suspect Franco stated the deputies broke his wrist when placing handcuffs on him. The deputies punched and hurt him. Sergeant Rector asked Suspect Franco if his wrist injury was from a previous incident due to the fact that he was wearing a wrist brace on his right wrist. Suspect Franco acknowledged his prior injury, but said it had already been corrected.

Suspect Franco stated the deputies "socked him up" after the handcuffs were already on. He complained of pain to his right side. Suspect Franco stated his prior injury was the result of a drywall accident.

Sergeant Rector interviewed Suspect Franco in the field a second time, shortly after the first interview. The second interview was conducted while inside the ambulance awaiting transport to the hospital. Suspect Franco was crying and difficult to understand. Suspect Franco was asked how he injured his finger. Suspect Franco stated the smallest finger (referring to his pinky finger) on his right hand was injured approximately four weeks ago during a drywall accident at work. Suspect Franco briefly mentioned he received a new injury to his left hand as a result of the incident. However, due to his emotional state, Suspect Franco did not provide any details.

**IAB Note:** Deputy De Casas was present during Sergeant Rector's interview of Suspect Franco while he was inside the ambulance. Deputy De Casas could be heard on the video (not seen) providing Spanish translation for Sergeant Rector.

Additionally, Los Angeles City Fire Fighter Beau Porter #[redacted] was inside the ambulance, and translated for Sergeant Rector. However, neither was identified during the video interview.

For Suspect Franco's verbatim interview with Sergeant Rector, see his transcribed interviews which are included with the case.

Suspect Franco was interviewed on June 20, 2013, at Long Beach Memorial Medical Center by Century Station Watch Commander, Lieutenant Burgin. Suspect Franco told Lieutenant Burgin that one of his hands was "unfunctional" prior to his contact with the deputy. He finished therapy and had a wrist brace on it. Suspect Franco described how his friend was driving the vehicle, and noted the basic route that was driven. As Suspect Franco described the route, he described passing his residence on Mona Boulevard and stated, "I should have stopped right there." Suspect Franco stated after the vehicle crashed, he exited the passenger side door and started running from the deputies. He ran down Imperial Boulevard and into the motel.

He was hiding in the corner of the motel with his hands positioned near his head. The deputy yelled at Suspect Franco to put his hands up and lay on his stomach. He complied and the deputy proceeded to handcuff him. Suspect Franco stated he did not put up a fight. As he was handcuffed, Suspect Franco felt his right hand "snap." The deputies picked him up, and punched him a couple of times in the ribs.

Suspect Franco stated he had a previous work injury to his right pinky finger. He was wearing a wrist brace on his right hand because he just finished his therapy. Suspect Franco stated his left hand was also injured, and was a new injury. Suspect Franco stated he had not consumed any drugs or alcohol prior to the incident, and he did not have a history of mental issues.

**IAB Note:** Deputy Guillermo Sanchez #[redacted] and Deputy Angel Banuelos #[redacted] (unit #216H/E) were present during Lieutenant Burgin's interview inside the hospital. Deputy Sanchez could be heard on video (not seen) providing Spanish translation for Lieutenant Burgin. However, neither deputy was identified during the video interview.

For Suspect Franco's verbatim interview with Lieutenant Burgin, see his transcribed interviews which are included with the case.

On June 20, 2013, Lieutenant Weber and Sergeant Flores interviewed Suspect Franco at Century Regional Detention Facility. Suspect Franco was very emotional and cried throughout the interview. As such, he was difficult to understand and somewhat uncooperative. Suspect Franco stated when he got arrested the deputies hurt him and broke his wrist. Lieutenant Weber asked Suspect Franco if he had a prior injury to his

right hand. Suspect Franco replied, "No sir. I do drywall." Sergeant Flores asked Suspect Franco if he resisted the deputies. Suspect Franco replied, "No sir."

Suspect Franco stated the deputies hit him on the right side of his ribs. He complained of pain to his right rib area and lower back. Suspect Franco stated the deputies put their knees in his back. He further complained of pain to both his wrist and stated his left wrist hurt more than the right wrist. Sergeant Flores asked Suspect Franco how his left wrist was injured. Suspect Franco noted it happened when the deputies picked him up after being handcuffed. His right wrist was injured when the deputies placed the handcuffs on it, and pressed hard on his wrist.

Suspect Franco stated he had raised his hands up toward his head. The deputies told him to back up, get on his stomach, and they handcuffed him. Sergeant Flores asked Suspect Franco if he positioned his hands underneath his body. Suspect Franco replied, "No." Suspect Franco stated there was no one else present when the deputies arrested him. At the end of the interview, Suspect Franco stated he did not have any injuries to his legs or head.

On October 1, 2013, Sergeant Carrizosa and I attempted to interview Suspect Franco at Men's Central Jail. However, Suspect Franco stated he had recently been involved in a dorm riot at North County Correctional Facility several days prior. As such, he was currently taking prescribed medication for his injuries, and not able to provide an interview due to his altered mental state. On November 7, 2013, Sergeant Carrizosa and I again attempted to interview Suspect Franco at Men's Central Jail. However, Suspect Franco declined an interview, and told us to speak to his attorney.

On January 21, 2014, I spoke to Suspect Franco's attorney, Thomas Alhearn, from the Los Angeles County Alternate Public Defenders Office [redacted]. Mr. Alhearn confirmed that that he advised Mr. Franco not to provide any statements regarding the incident. Furthermore, Mr. Alhearn was not willing to provide a statement pertaining to the incident.

**SUSPECT INJURIES:**

Suspect Franco complained of pain to his right and left wrist. Additionally, he complained of pain to his right side (torso) and lower back. Suspect Franco stated his right wrist was broken as a result of the incident. However, his right pinky finger was injured from a previous work injury. In addition, Suspect Franco complained of pain to his left hand and stated it was a new injury as a result of the incident. Pictures of Suspect Franco's injuries are included within this case (refer to **Exhibit E**).

I reviewed the pictures of Suspect Franco's injuries. Suspect Franco had a soft cast on both his hands/arms, which were wrapped in bandages. Suspect Franco appeared to have a slight abrasion (red mark) on his right ribs which was approximately one inch in length. I also observed an abrasion on Suspect Franco's right elbow which was

approximately three inches in length. Based on the pictures, I did not observe any visible injuries to Suspect Franco's face, stomach, or any other part of his body.

Suspect Franco signed a Medical Authorization form which provided authorization for the use/disclosure of his medical information. His medical records were obtained from Long Beach Memorial Medical Center (patient #[redacted]). Suspect Franco was diagnosed with a "right fifth metacarpal base fracture with intra-articular extension and overlying soft tissue swelling" (bone in the right hand that extends from the right pinky finger knuckle into the right wrist). Additionally he was diagnosed with a "fractured left fourth distal phalanx" (tip of left ring finger). However, the medical paperwork noted that the fracture to the left ring finger was of an "indeterminate age."

I contacted Long Beach Memorial Center Emergency Room Doctor R. Gomez regarding Suspect Franco's injuries. Doctor Gomez stated the injury on Suspect Franco's right hand was in fact a hand fracture, and not a fracture to his right pinky finger. Furthermore, the fracture of the right hand extended into the joint of the right wrist. As such, the injury would be painful in the lower hand and upper wrist area.

Suspect Franco was transported by Los Angeles City Fire Department Engine 65 / Rescue 33 (incident #1447) to Long Beach Memorial Medical Center, where he was treated and approved for booking. On January 22, 2013, I spoke to Lieutenant Burgin regarding Suspect Franco's medical treatment. Lieutenant Burgin stated he spoke to Doctor Nguyen on the night of the incident. Doctor Nguyen stated Suspect Franco's injuries could be consistent with resisted handcuffing and control techniques.

Suspect Franco's medical records and approval for booking paper work, are included within this case (refer to **Exhibit F).** Furthermore, Suspect Franco's Los Angeles County Sheriff's Department Inmate Medical Documentation (clinical progress notes) dated June 20, 2013 through October 21, 2013, is included within this case (refer to **Exhibit F**).

## DEPUTY PERSONNEL INJURIES:

None

## PHYSICAL EVIDENCE:

Several items of evidence were recovered at the scene. The vehicle had been reported stolen in a carjacking, out of South Gate Police Department under incident #1305473 (refer to **Exhibit G**). Additionally, evidence was recovered inside the vehicle. A glass narcotics pipe and methamphetamine were recovered from the driver's side floorboard of the vehicle. The firearm recovered outside the vehicle was reported stolen out of Los Angeles County Sheriff's Department San Dimas Station (refer to **Exhibit A**). Furthermore, the victim positively identified Suspect Franco as the person who car jacked her. The victim additionally positively identified Suspect Franco's cell phone and the firearm as being used during the carjacking.

**IAB Note:** For a complete list of evidence recovered see the Los Angeles County Sheriff's Department incident report #913-09514-2135-038 (refer to **Exhibit A**).

**REVIEW OF VIDEO SURVIELLENCE:**

The video surveillance depicts four views of the incident, and was recorded from four different cameras located within the Imperial Courts Public Housing Projects (refer to **Exhibit B**). The video does not capture the use of force. It only captured the vehicles being driven, the vehicle collision, and the passenger being handcuffed.

I contacted Officer [redacted] # [redacted] who is assigned to the South East Division Los Angeles Police Department – Camera Task Force (CTF), to determine if there was additional video surveillance that covered the parking lot located on the north/west corner of Imperial Highway and Croesus Avenue. Officer [redacted] stated there is a camera on Croesus Avenue, north of Imperial Highway. The direction of the camera is southbound on Croesus Avenue. It only documents the intersection of Imperial Highway/Croesus Avenue, and the Wilmington Avenue off ramp of the 105 freeway. As such, there is not video surveillance of the parking lot.

The first view was recorded from camera #IC23. The video was date stamped 06/19/13, and begins at 21:30:09. The video camera documents east and westbound traffic on 115$^{th}$ Street from Mona Boulevard. The direction of the camera is eastbound on 115$^{th}$ Street.

The suspect vehicle (Chrysler 300) enters the frame (21:30:21) driving southbound Mona Boulevard to westbound 115$^{th}$ Street. The vehicle approaches a speed bump (located at about mid-block), at what appears to be a high rate of speed (21:30:32). A patrol vehicle enters the frame (21:30:29) and is traveling southbound Mona Boulevard to westbound 115$^{th}$ Street. The patrol vehicle appears to have its overhead rotating lights activated with the front strobe lights flashing. The overhead rotating lights and front flashing strobe lights of the patrol vehicle turn off (21:30:39) as it continues westbound on 115$^{th}$ Street toward the speed bump. The patrol vehicle then appears to only have its rear lights activated as it approaches the speed bump (21:30:40). Both vehicles continue westbound 115$^{th}$ Street, and out of view of the camera.

The second view was recorded from camera #IC15. The video was date stamped 06/19/13, and begins at 21:30:09. The video camera documents northbound and southbound traffic on Mona Boulevard toward 115$^{th}$ Street.

A black truck enters the frame driving southbound Mona Boulevard at what appears to be an average speed. The suspect vehicle enters the frame (21:30:14), and is traveling southbound Mona Boulevard toward 115$^{th}$ Street. The suspect vehicle appears to be traveling at a high rate of speed. The suspect vehicle enters the northbound lane of Mona Boulevard in order to pass the black truck, which was driving much slower in the southbound lane. After passing the truck, the suspect vehicle drives back into the

southbound lane, and makes a right turn to westbound 115th Street (21:30:21). As the suspect vehicle turns onto 115th Street, a patrol vehicle enters the frame (21:30:21) driving southbound Mona Boulevard.

The patrol vehicle approaches the black truck and appears to activate its overhead rotating lights (21:30:23). Upon doing so, the black truck pulls over to the right (west curb line of southbound Mona Boulevard), at which time the patrol vehicle passes and turns right onto westbound 115th Street (21:30:29). The suspect vehicle and patrol vehicle continue westbound 115th Street, and out of view of the camera.

The third view was recorded from camera #IC24. The video was date stamped 06/19/13, and begins at 21:30:08. The video camera documents north and southbound traffic on Croesus Avenue as it intersects with 115th Street (just north of Imperial Highway). The direction of the camera is northbound Croesus Avenue.

The suspect vehicle enters the frame (21:30:34) and is traveling westbound 115th Street toward Croesus Avenue. The suspect vehicle continues westbound through the northbound and southbound lanes of Croesus Avenue. The suspect vehicle is involved in a traffic collision with the curb/sidewalk of Croesus Avenue. The suspect vehicle comes to a stop at which time an individual exits the driver's side door and runs away on foot southbound Croesus Avenue (21:30:41). The patrol vehicle enters the frame (21:30:43) and is traveling westbound 115th Street toward Croesus Avenue. The patrol vehicle did not have its lights activated.

An individual exited the passenger door of the suspect vehicle and stood next to an adjacent wall. The patrol vehicle stopped southbound Croesus Avenue, just beyond (south) the suspect vehicle (21:30:50), and out of the view of the camera. A deputy (appears to be Deputy De Casas) approaches and detains the individual standing next to the wall. Assisting units arrive at the location (21:32:35) at which time the individual is escorted into a patrol vehicle. The video further depicts numerous individuals converging on the location where the suspect vehicle stopped and the deputy was detaining the individual. There were approximately 12 individuals standing and/or on bicycles on the east curb line of Croesus Avenue (across the street), and approximately four individuals standing on the west curb line of Croesus Avenue (north of the vehicle).

The fourth view was recorded from camera #IC30. The video was date stamped 06/19/13, and begins at 21:30:10. The video camera documents eastbound and westbound traffic on 115th Street from Mona Avenue. The direction of the camera is westbound 115th Street.

The suspect vehicle enters the frame (21:30:24) driving westbound 115th Street. The suspect vehicle approaches a speed bump (located at about mid-block), at a high rate of speed (21:30:26) and continues westbound. A patrol vehicle enters the frame (21:30:30) and is driving westbound 115th Street. The patrol vehicle appears to have its overhead rotating lights activated with the front flashing strobe lights flashing. The overhead rotating lights and front flashing strobe lights of the patrol vehicle turn off

(21:30:33) as it continues westbound on 115th Street toward the speed bump. The patrol vehicle then appears to only have its rear lights activated as it approaches the speed bump (21:30:33). The lights on the patrol vehicle are then deactivated (21:30:34) as it continues westbound on 115th Street. Both vehicles continue westbound 115th Street, and out of view of the camera.

**IAB Note:** It appears that the time stamp of camera #IC23 and camera #IC30 are not exactly synchronized. As such, camera #IC30 (view four) appears to be approximately six seconds faster than camera #IC23 (view one).

**INVESTIGATORS OBSERVATIONS:**

On November 8, 2013, Sergeant Slade Carrizosa and I spoke to [redacted] (MO[redacted]), who is the [redacted] of the Crown Motel. Mr. [redacted] stated the surveillance cameras at his motel are functional. There are no surveillance cameras in the area where the use of force occurred. The surveillance system erases its video recordings every eight days. Thus, there was no surveillance footage available.

I examined the north/west area of the motel property where the use of force occurred. I observed it was a dirt garden area which ran along the west and north/west side of the property. The garden area between the north perimeter block wall and the north wall of the building was approximately five feet wide. The north perimeter block wall was approximately six feet high and had an approximately three foot high chain link fence on top. The chain link fence had barbwire along the top. The north perimeter block wall separated the motel property from the Imperial Courts Public Housing Project's. The garden area between the west chain link perimeter fence and the west wall of the building was approximately eleven feet wide. The west perimeter chain link fence was approximately six feet tall and had barbwire on top. The west perimeter fence separated the motel property from a large dirt lot. Pictures and a CD containing images of the day time lighting conditions are attached to this case (refer to **Exhibit H**).

**WEAPONS USED BY DEPUTY PERSONNEL:**

Personal weapons: Hands

**WEAPONS USED BY SUBJECT:**

Personal weapons: Hands

**PROPERTY DAMAGE:**

None.

## RADIO TRANSMISSION:

The dispatch radio traffic is contained within four separate audio files. The first Dispatch audio file ("Dispatch Audio 1") starts at 2129 hours on June 19, 2013. Deputy Rivas can be heard saying, "10-33 give me the patch" (0:36 seconds). Deputy Rivas then broadcasted that a suspect was running from him and gave the address of his location. However, the radio transmission had feedback interference and it was difficult to understand what the suspect was wanted for, and his exact location. He then asked for additional units and an airship.

The SCC Dispatcher asked Deputy Rivas to confirm his location (0:57 minutes). Deputy Rivas broadcasted he was at the corner of Croesus and Imperial, and one person ran northbound 2111 Imperial Highway (1:00 minutes). His partner (referring to Deputy De Casus) was detaining one suspect on Croesus north of Imperial.

The second Dispatch audio file ("Dispatch Audio 2") starts at 2131 hours. While still on the patch, Deputy Rivas provided a description of Suspect Franco (0:18 seconds). An unknown deputy/unit broadcasted on the patch that he was going to set up a containment (1:15 minutes). As the containment is being set up, Deputy De Casas broadcasted that he had recovered a firearm (1:17 minutes). Moments later, Deputy Rivas broadcasted that they were detaining the suspect (2:53 minutes).

The third and fourth Dispatch audio files ("Dispatch Audio 3" and "Dispatch Audio 4") are short in duration, and contain miscellaneous radio traffic from Aero Bureau, assisting units, and SCC.

The L-Tac radio traffic is contained within four separate audio files. The first L-Tac audio file ("L-Tac Audio 1") starts at 2137 hours. It starts with Deputy De Casus who broadcasted that he recovered a firearm (1:38 minutes).

The second, third, and fourth L-Tac audio files ("L-Tac Audio 2", "L-Tac Audio 3", and "L-Tac Audio 4") are short in duration, and contain miscellaneous radio traffic from Aero Bureau and assisting units. A CD containing the Dispatch audio and L-Tac audio is included with this case (refer to **Exhibit I**).

## CHARGES FILED AND DISPOSITIONS:

**Investigators Name:** Detective [redacted] South Gate Police Department

**Court**: Criminal Courts Building (CCB), Division 100

**Charges**: The District Attorney filed four felony charges and one misdemeanor charge (DA Case # VA130706) against Suspect Franco; (2) counts of 215 PC (Carjacking), (2) counts of 29800 PC (Ex-felon in Possession of a Firearm), 11370.1 HS (Possession of a Controlled Substance and a Firearm), 211 PC (Robbery), and 529(a)(3) PC (False Impersonation).

Suspect Franco's court proceedings are still on going. His next court date is February 27, 2014.

## WEATHER AND LIGHTING CONDITIONS:

The incident occurred on a clear night at approximately 2129 hours. The lighting inside the Crown Motel was minimal. I examined the lighting conditions of the garden area where the use of force took place, during night time hours in darkness. I observed three lights just beyond the north perimeter block wall. The three lights were on the property of the Imperial Courts Public Housing Projects. The three lights were dim and provided very little, to no light, in the garden area of the motel. I took pictures of the area. However, due to the very poor lighting conditions, the pictures are nearly unidentifiable without flash photography. A CD containing images of the night time lighting conditions are attached to this case (refer to **Exhibit J**).